

PTO/SB/21 (04-04)

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/626,787	
	Filing Date	July 23, 2003	
	First Named Inventor	William F. Leek	
	Art Unit	3635	
	Examiner Name	NA	
Total Number of Pages in This Submission	10	Attorney Docket Number	SST/1355

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): PTO/SB/08 (5 pp)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

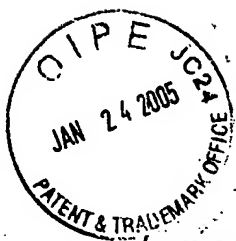
Firm or Individual name	Charles R. Cypher; Law Offices of James R. Cypher		
Signature			
Date	January 21, 2005		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Marjorie A. Jost		
Signature		Date	1-21-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
Practitioner's Docket No.: SST/1355

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: WILLIAM F. LEEK

Conf. No.: 1214

Application No.: 10/626,787

Examiner: To Be Assigned

Filed: July 23, 2003

Group No.: To Be Assigned

For: AUTOMATIC TAKE UP DEVICE WITH INTERNAL SPRING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Signed: Marjorie Jost
Marjorie Jost

INFORMATION DISCLOSURE STATEMENT

Applicant submits herewith patents, publications or other information, of which Applicant is aware that Applicant believes may be material to the examination of this application, and in respect of which, there may be a duty to disclose. The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

This information disclosure statement is accompanied by Form PTO/SB/08 (substitute for Form PTO-1449). Since copies of these references were provided either by Applicant or the Examiner in the following related U.S. Application – Serial No. 09/729,491, filed December 3, 2000 (pending) – upon which the instant application relies for its priority date, in accordance with 37 C.F.R. § 1.98(d), no copies of these references are enclosed.

Further, in accordance with the provisions of 37 C.F.R. § 1.98(a)(3), and as required by M.P.E.P. § 609 (III)(A)(3), Applicant submits that reference nos. B5, B6 and B7 are not in the English language and submits the following concise statements as to their relevance:

B5: JP 46-1521 1971

Applicant's understanding of this reference is limited to the drawing figures and the English language abstract. The English-language abstract was attached in the related pending patent application serial no. 09/729,491, and it explains that the subject matter is a "destructive bolt [that] is disposed along its axial direction and is composed of portions including two bolt portions which are interconnected so as to form a means to which a stress is applied beforehand; the destructive element is included in said means; one of bolt portions (sic) is constructed so as to be loaded by tension; the other portion is constructed so as to be loaded by the opposite compression; those forces are mutually balanced (or (sic))." The apparatus appears to include a lower die with a shearing formation, and an upper press that will nest with the lower die which also includes a shearing formation that cooperates with the shearing formation on the lower die and a washer positioned between the upper press and the lower die which shears when an applied load exceeds a specified tension.

B6: SU 706,586 1979

Applicant's understanding of this reference is limited to the drawing figures. The drawing figures appear to show a pair of internally threaded nuts or washers joined by a short torsion spring that is disposed between the nuts or washers in a semicircular groove.

B7: SU 796,498 1981

Applicant's understanding of this reference is limited to the drawing figures and the English-language abstract. The English-language abstract is attached and explains

that the subject matter is "[a] composite washer...[that] consists of two open, 'U' shaped half rings whose inclined surface (sic) are in contract."

Further, in satisfaction of the duty of disclosure under 37 C.F.R. 1.56 and as required by M.P.E.P. § 2001.06(c), applicant hereby discloses the existence of the following settled litigation: *Simpson Manufacturing Co., Inc. and Simpson Strong-Tie Company, Inc. v. Alfred D. Commins and Commins Manufacturing, Inc.* U.S. District Court for the Northern District of California, Oakland Division, Case No. C03-0115 SBA, filed March 17, 2003. This lawsuit was filed Simpson Strong-Tie Company, Inc., the assignee of the present invention, against Alfred D. Commins, the named inventor of U.S. Patent 6,390,747 B1 ("the '747 patent"), which claims and teaches an automatic take-up device for tension tie-down systems in wood-framed buildings. U.S. Patent 6,390,474 B1 claims the benefit of U.S. Provisional Application 60/156,042, filed September 24, 1999, and is the parent of U.S. Patent 6,585,469, filed May 15, 2002. Among other claims for relief sought in the lawsuit, Simpson Strong-Tie Company, Inc. was asking the court to require Commins to assign an ownership interest in the '747 patent to it. Simpson Strong-Tie Company is the former employer of Commins. Reference C1 listed on the enclosed form PTO/SB/08 is a description of the claims raised in the lawsuit and reference C3 is a declaration from Arthur B. Richardson that was prepared in conjunction with the lawsuit. Mr. Richardson's declaration concerns his efforts with his former partner to make and publicize an automatic take-up device for use with wood-framed buildings at least as early as 1998. The automatic take-up device described in the declaration is related to the automatic take-up device shown in reference C4.

The person making this certification is the practitioner who signs below on the basis of the information supplied by the inventor(s) and in the practitioner's file.

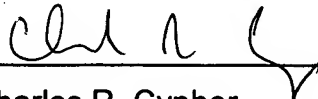
As far as is known to the undersigned, this Information Disclosure Statement is being filed before the mailing of a first Office action after the filing of a request for continued examination as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required. While no fee is believed to be due, if this belief is in error the Commissioner is

authorized to charge any additional fees, including extension fees or other relief which may be required for this paper, or credit any overpayment to Deposit Account No. 03-4075 (Attorney Docket No. SST/1355).

Respectfully submitted,

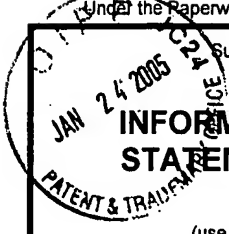
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Customer No.: 498


Charles R. Cypher
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Attachments: Form PTO/SB/08 (5 pgs)

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 Substitute for form 1449A/PTO (MODIFIED) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/626,787	
			Filing Date	7/23/2003	
			First Named Inventor	William F. Leek	
			Group Art Unit	3635	
Examiner Name	NA				
Sheet	1	of	5	Attorney Docket Number	SST/1355

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	US 2001/0037611	11/2001	Cornett sr.	
	A2	US 2002/0020137	02/2002	Commings	
	A3	US 2001/0002529	06/2001	Commings et al	
	A4	US 179,994	07/18/1876	Brallier	
	A5	US 487,721	12/13/1892	De Kalb	
	A6	US 518,165	04/10/1894	Thalaker	
	A7	US 560,554	05/19/1896	Wiestner	
	A8	US 581,551	04/27/1897	Green	
	A9	US 582,424	05/11/1897	Hunt	
	A10	US 856,868	06/11/1907	Heffner	
	A11	US 1,344,417	06/22/1920	Lovekin	
	A12	US 1,347,687	07/27/1920	Ellis et al	
	A13	US 1,374,713	04/12/1921	Bell	
	A14	US 1,589,307	06/15/1926	Svebilus	
	A15	US 1,737,543	11/1929	Mason	
	A16	US 1,746,978	02/11/1930	Winkler	
	A17	US 1,953,354	04/03/1934	Holland-Letz	
	A18	US 1,966,780	07/17/1934	Wyrick	
	A19	US 2,021,051	11/12/1935	Desbrueres	
	A20	US 2,066,541	01/05/1937	Schenk	
	A21	US 2,261,537	11/04/1941	Zamara	
	A22	US 2,405,889	08/13/1946	Kennedy	
	A23	US 2,587,560	02/26/1952	Widmer	
	A24	US 2,896,496	07/28/1959	Jansen	
	A25	US 3,104,645	09/24/1963	Harrison	
	A26	US 3,115,804	12/31/1963	Johnson	
	A27	US 3,157,215	11/17/1964	Zahodiakin	
	A28	US 3,161,174	12/15/1964	Harrison	
	A29	US 3,174,386	03/23/1965	Lewis	
	A30	US 3,187,621	06/08/1965	Turner	
	A31	US 3,285,120	11/15/1966	Kartiala	
	A32	US 3,306,154	02/28/1967	Bailey	
	A33	US 3,429,092	02/1969	Perry et al	
	A34	US 3,440,334	04/1969	Blomstrand	
	A35	US 3,469,492	09/30/1969	Dahl	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

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Substitute for form 1449A/PTO (MODIFIED) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
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			Filing Date	7/23/2003	
			First Named Inventor	William F. Leek	
			Group Art Unit	3635	
			Examiner Name	NA	
Sheet	2	of	5	Attorney Docket Number	SST/1355

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A36	US 3,476,010	11/04/1969	Markey	
	A37	US 3,728,933	04/24/1973	Grube	
	A38	US 3,782,061	01/1974	Minutolie et al	
	A39	US 3,878,757	04/22/1975	Puklus, Jr.	
	A40	US 3,948,141	04/06/1976	Shinjo	
	A41	US 4,000,681	01/04/1977	Coldren	
	A42	US 4,020,734	05/03/1977	Bell	
	A43	US 4,037,516	07/26/1977	Hart	
	A44	US 4,047,463	09/13/1977	Coldren	
	A45	US 4,055,875	11/1977	Strickland	
	A46	US 4,149,446	04/17/1979	Spengler et al.	
	A47	US 4,433,879	02/28/1984	Morris	
	A48	US 4,479,747	10/30/1984	Pagel	
	A49	US 4,604,014	08/05/1986	Frano	
	A50	US 4,665,672	05/19/1987	Commins et al	
	A51	US 4,703,711	11/03/1987	Haynes	
	A52	US 4,708,555	11/24/1987	Terry	
	A53	US 4,720,223	01/19/1988	Neights et al	
	A54	US 4,729,703	03/08/1988	Sato	
	A55	US 4,761,860	08/09/1988	Krauss	
	A56	US 4,801,231	01/1989	Everman	
	A57	US 4,812,096	03/14/1989	Peterson	
	A58	US 4,875,314	10/24/1989	Boilen	
	A59	US 4,887,948	12/19/1989	Calmettes	
	A60	US 4,896,985	1/30/1990	Commins	
	A61	US 4,909,012	03/20/1990	Thompson, Jr. et al	
	A62	US 4,936,843	06/26/1990	Sohnngen	
	A63	US 4,954,032	09/04/1990	Morales	
	A64	US 4,979,857	12/25/1990	Wing	
	A65	US 5,015,132	05/14/1991	Turner et al	
	A66	US 5,081,811	01/1992	Sasaki	
	A67	US 5,168,681	12/08/1992	Ayrapetyan	
	A68	US 5,180,268	01/19/1993	Richardson	
	A69	US 5,199,835	04/06/1993	Turner	
	A70	US 5,228,250	07/20/1993	Kesselman	

Examiner Signature	Date Considered
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			Examiner Name	NA	
Sheet	3	of	5	Attorney Docket Number	SST/1355

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A71	US 5,254,016	10/19/1993	Ganthier	
	A72	US 5,308,184	05/1994	Bernard	
	A73	US 5,316,319	05/1994	Suggs	
	A74	US 5,340,258	08/23/1994	Simon	
	A75	US 5,364,214	11/1994	Fazekas	
	A76	US 5,365,715	11/1994	Steinmetz et al	
	A77	US 5,370,483	12/06/1994	Hood et al	
	A78	US 5,379,563	01/1995	Tinsley	
	A79	US 5,487,632	01/30/1996	Hood et al	
	A80	US 5,505,026	04/09/1996	Fausto	
	A81	US 5,522,688	06/1996	Reh	
	A82	US 5,535,561	07/16/1996	Schuyler	
	A83	US 5,540,530	07/1993	Fazekas	
	A84	US 5,570,549	11/05/1996	Lung et al	
	A85	US 5,582,496	12/1996	Ambrico et al	
	A86	US 5,606,839	03/1997	Baumann	
	A87	US 5,704,572	01/06/1998	Vogel et al	
	A88	US 5,769,581	06/23/1998	Wallace et al	
	A89	US 5,815,999	10/06/1998	Williams	
	A90	US 5,829,531	11/1998	Herbert et al	
	A91	US 5,839,321	11/24/1998	Siemons	
	A92	US 5,885,034	03/23/1999	Fergusson	
	A93	US 5,931,618	08/03/1999	Wallace et al	
	A94	US 5,979,130	11/1999	Gregg et al	
	A95	US 5,987,828	11/23/1999	Hardy	
	A96	US 6,019,556	02/01/2000	Hess	
	A97	US 6,068,250	05/30/2000	Hawkins et al	
	A98	US 6,120,723	09/2000	Butler	
	A99	US 6,135,687	10/24/200	Leek et al	
	A100	US 6,139,113	10/2000	Seliga	
	A101	US 6,161,350	12/2000	Espinosa	
	A102	US 6,256,960	07/2001	Babcock et al	
	A103	US 6,390,747 B1	05/21/2002	Commins	
	A104	US 6,494,654 B2	12/17/2002	Espinosa	
	A105	US 6,585,469	07/01/2003	Commins, A.	

Examiner Signature	Date Considered
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U.S. PATENT DOCUMENTS

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	A106	US 6,688,058 B2	2/10/2001	Espinosa	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	B1	CA 2,313,735	07/07/2000	Commings		
	B2	GB 383,460	11/17/1932	Raworth, et al.		
	B3	GB 1,099,472	01/17/1968	Burgess, et al.		
	B4	GB 1,384,511	02/19/1975	J.A. Kemp and Co.		
	B5	JP 46-1521	01/10/1971	Ielenwelks		
	B6	SU 706,586	12/30/1979			
	B7	SU 796,498	01/15/1981	Rosartoremprom		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C1	Description of Claims raised in Simpson Manufacturing Co., Inc. and Simpson Strong-Tie Company, Inc. v. Alfred D. Commings and Commings Manufacturing, Inc. (Pages 1 and 2)	
	C2	McGraw-Hill Book Company, Inc., "Product Engineering Design Manual" edited by Douglas C. Greenwood, (New York), copyright 1959, (Title and copyright page, pages 90-97, 316-329).	
	C3	ARTHUR B. RICHARDSON, Declaration of Arthur B. Richardson," executed 12/21/2002, p 106	
	C4	ANCHOR TIEDOWN SYSTEMS, INC., "Expansion Jack Washer," Anchor Tiedown System, Inc. Brochure (Mill Valley, CA and Burien, WA), consist of one page, printed one side (1999).	
	C5	"Device Keeps Shear Walls Tight," p. 49-50	
	C6	"Expansion Jack Washer," (1999)	
	C7	"Thru-Bolt Log Fastening System," Heritage Log Homes," (1999).	
	C8	"Earthbound Seismic Holdown System Using The " Impasse Device", " Evaluation Report, ICBO Evaluation Service, Inc., (U.S.A.), p 1-6 (November 1, 1997).	
	C9	Inquest Engineering, Manufacturers of the Earthbound System, Redefining the State of the Art in Seismic Holdown Technology (U.S.A.).	
	C10	"The Impasse Device," Inquest Engineering (U.S.A.), (1997).	

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Substitute for form 1449A/PTO (MODIFIED) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/626,787	
			Filing Date	7/23/2003	
			First Named Inventor	William F. Leek	
			Group Art Unit	3635	
			Examiner Name	NA	
Sheet	5	of	5	Attorney Docket Number	SST/1355

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exam iner Initial s*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C11	"LocTite, Automatic Self-Locking Nuts," LocTite (U.S.A. (October, 1992).	
	C12	"Auto Take-Up," Zone Four Engineered Seismic Solutions (U.S.A.), p. 1-4, (2000).	
	C13	"AT Auto Take-Up," Zone Four Innovative Engineered Solutions (Friday Harbor, WA, U.S.A.), (2001).	
	C14	"ATS-Components," Simpson Strong-Tie U.S.A.).	
	C15	"COMMINS DESIGN LLC, " Acceptance Criteria for Shrinkage Compensating Devices and Similar Devices, "Proposed ICBO Take-UP Devices Acceptance Criteria, Draft 1, 12/09/99, Commins Design LLC (Friday Harbor, WA), total of 3 pages, (November 2, 1999 and December 9, 1999).	
	C16	COMMINS DESIGN LLC, "ICBO Evaluation Service Inc. Evaluation Report, ER-XXXX December 10, 1999, "Proposed, 1.0 Subject Commins Desing AT Automatic Take-Up Shrinkage Compensating Devices, Commins Design LLC (Friday Harbor, WA), total of 5 pages, (December 10, 1999).	
	C17	COMMINS DESIGN LLC, "AT Auto Take-Up," Shearwall Shrinkage Compensator Solves the Loose Shearwall Problem, Commins Design LLC (Friday Harbor, WA), total of 1 page, (January 3, 200).	
	C18	COMMINS DESIGN LLC, "Commings Design LLC, "Our Solution to Wood Shrinkage Solves Shearwall Problems, Commings Design LLC (Friday Harbor, WA), total fo 2 pages, (January, 2000).	
	C19	COMMINS, Alfred D., US Provision Patent Application, Serial No. 60/156,042, titled "Shrinkage Compensator for Building Tiedowns," filed September 24, 1999	
	C20	Automatic Take-Up Device by Alfred D. Commings, dated 2/10/1998 (5 pages)	
	C21	Automatic Take-Up Device by Alfred D. Commings, dated 8/15/1996 (7 pages)	
	C22	Automatic Take-Up Device by Alfred D. Commings, dated 3/6/1996 (3 pages)	
	C23	Automatic Take-Up Device by Alfred D. Commings, dated 3/6/1996 and 1/25/1996 (5 pages)	
	C24	Automatic Take-Up Device by Alfred D. Commings, dated 12/26/1995 (3 pages)	

Examiner Signature		Date Considered	
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